

**§ 10010.13 Scoping.**

(a) The invitation requirement in 40 CFR 1501.7(a)(1) may be satisfied by including such an invitation in the NOI.

(b) If a scoping meeting is held, consensus is desirable; however, the lead agency is ultimately responsible for the scope of an EIS. In the case of procedures involving joint-lead agencies, all joint-lead agencies share this responsibility.

**§ 10010.14 Time limits.**

When time limits are established to prepare an environmental document they should reflect the availability of personnel and funds.

### **Subpart C—Environmental Assessments**

**§ 10010.15 Purpose.**

This subpart provides supplemental instructions for implementing those portions of the CEQ regulations pertaining to environmental assessments (EA).

**§ 10010.16 When to prepare.**

(a) An EA will be prepared for all actions, except those categories of action excluded from documentation or addressed adequately by a previous environmental document, or for those actions for which a decision has already been made to prepare an EIS. The purpose of such an EA is to allow the responsible official to determine whether to prepare an EIS.

(b) In addition, an EA may be prepared on any action at any time in order to assist in planning and decision making.

**§ 10010.17 Public involvement.**

(a) The public may be involved in the EA process when appropriate. Public notification will be made of the availability of an EA document (40 CFR 1506.6).

(b) The scoping process may be applied to an EA (40 CFR 1501.7).

**§ 10010.18 Content.**

(a) At a minimum, an EA will include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) of NEPA, of the envi-

ronmental impacts of the proposed action and such alternatives, and a listing of agencies and persons consulted (40 CFR 1508.9(b)).

(b) In addition, an EA may be expanded to more fully describe the proposal and a broader range of alternatives if this facilitates planning and decision making.

(c) The level of detail and depth of impact analysis should normally be limited to that needed to determine whether there are significant environmental effects.

(d) An EA will contain objective and credible analyses which support its environmental impact conclusions. It will not, in and of itself, conclude whether or not an EIS will be prepared. This conclusion will be made upon review of the EA by the responsible official and documented in either a NOI or FONSI.

**§ 10010.19 Format.**

(a) An EA may be prepared in any format useful to facilitate planning and decision making.

(b) An EA may be combined with any other planning or decision making document; however, that portion which analyzes the environmental impacts of the proposal and alternatives will be clearly and separately identified and not spread throughout or interwoven into other sections of the document.

**§ 10010.20 Adoption.**

(a) An EA prepared for a proposal before the Commission by another agency, entity or person, including an applicant, may be adopted if, upon independent evaluation by the responsible Commission official, it is found to comply with this part and relevant provisions of the CEQ regulations.

(b) When appropriate and efficient, a responsible Commission official may augment such an EA when it is essentially, but not entirely, in compliance in order to make it so.

(c) If an EA or augmented EA is adopted, the responsible Commission official must prepare his/her own NOI or FONSI which also acknowledges the origin of the EA and takes full responsibility for its scope and content.